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PTO/SB/64 (07-05)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

31-5-3

First named inventor: Young-Kai Chen

Application No.: 10/771,089

Art Unit: 2819

Filed: February 3, 2004

Examiner: Howard L. Williams

Title: OPTICAL DIGITAL-TO-ANALOG CONVERTER

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

10/18/2005 HDEMESS1 00000077 10771089

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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to January 21, 2005 final Office Action (identify type of reply):

has been filed previously on _____
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.
 has been paid previously on _____
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

October 13, 2005

Date

David H. Hitt

Typed or printed name

33,182

Registration Number, if applicable

Hitt Gaines, P.C.

Address

(972) 480-8800

Telephone Number

P. O.Box 832570, Richardson, Texas 75083

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Foreign Search IDS with cited references and IDS by Applicant

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date



Signature

Elizabeth Schumacher

Typed or printed name of person signing certificate



ATTORNEY DOCKET NO. CHEN 31-5-3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Young-Kai Chen, et al.

Serial No.: 10/771,089

Filed: February 3, 2004

Title: OPTICAL DIGITAL-TO-ANALOG CONVERTER

Grp./A.U.: 2819

Examiner: Howard L. Williams

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Alexandria, VA 2231-1450, on 10-13-2005 (Date)
Elizabeth Schumacher
(Printed or typed name of person signing the certificate)
Elizabeth Schumacher
(Signature of the person signing the certificate)

Sir:

**STATEMENT FOR PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONAL UNDER 37 C.F.R. § 1.137(b)**

The Applicants respectfully request the above-identified patent application to be revived due to the following unintentional circumstance. The previous Attorney who was working on this case, Thomas Stafford, Registration No. 24767, of 4173 Rotherham Court, Palm Harbor, FL 34685, passed away. After some time, his widow packed up all his files and mailed them to the client in Murray Hill, New Jersey. In turn, the client transferred the above abandoned case to our firm on August 17, 2005 to handle. We immediately filed a Revocation of Power of Attorney/New Power of Attorney/Change of Correspondence Address via facsimile on September 14, 2005.

The above circumstance and actions by the Attorney for Applicants and Applicants indicate that the Applicants unintentionally failed to respond to the Office Action, which caused the patent application to be abandoned unintentionally. The Applicants, therefore, respectfully request that the above-identified patent application be revived and the response to the Office Action be accepted.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.

A handwritten signature in black ink, appearing to read "DH".

David H. Hitt
Registration No. 33,182

Dated: October 15, 2005

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